

ADVISORY OPINION 93-019

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

September 25, 1993

J. Michael Brown, Esq., Chairman  
Citizens for Better Judges Political Action Committee  
Wyatt, Tarrant & Combs  
Citizens Plaza  
Louisville, Kentucky 40202

Dear Mr. Brown:

Thank you for contacting the Registry. Based on the information in your question and the written Response in Carr v. Citizens for Better Judges, KREF 93-271, the facts to your question may be stated as follows:

Citizens for Better Judges ("CBJ") is a permanent committee, registered with the Kentucky Registry of Election Finance. In the May, 1993, primary election, Citizens for Better Judges endorsed seven judicial candidates by newspaper advertisement(s). In total, CBJ spent less than \$500 per endorsed candidate to produce the newspaper advertising in support of these candidates. CBJ interviews judicial candidates before it endorses them.

Your question may be stated as follows:

For the 1993 general election, may the CBJ make in-kind contributions to judicial candidates by paying for newspaper advertising that endorses the individual candidates?

Since the CBJ's 1993 primary election activity is the subject of a current complaint before the Registry, the Registry will not pass on the question of whether or not the May, 1993, CBJ activity was permissible. However, for the 1993 general election only, the CBJ is welcome to endorse judicial candidates through newspaper advertising so long as it spends no more than \$500 per endorsed candidate. Further, the CBJ should report these expenditures as in-kind contributions to the individual candidates as well as expenditures for newspaper advertising. So the individual candidates may report these contributions, the CBJ should notify the candidates it is making the in-kind contributions.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull  
General Counsel

TES/dt